

1 WILLIAM R. TAMAYO -- #084965 (CA)
JONATHAN T. PECK -- #12303 (VA)
2 CINDY O'HARA -- #114555 (CA)
EQUAL EMPLOYMENT OPPORTUNITY
3 COMMISSION
San Francisco District Office
4 350 The Embarcadero, Suite 500
San Francisco, California 94105
5 Telephone: (415) 625-5653
Facsimile: (415) 625-5657

6
7 Attorneys for Plaintiff Equal Employment Opportunity Commission
8

9
10 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA

11
12 **EQUAL EMPLOYMENT OPPORTUNITY**) Civil Action No. C-06-2974 JSW
13 **COMMISSION,**)
14) **JOINT STIPULATION AND REQUEST**
Plaintiff,) **FOR RELIEF FROM MEDIATION**
15) **DEADLINE AND TO CONTINUE CASE**
v.) **MANAGEMENT CONFERENCE TO**
16 **BALLY TOTAL FITNESS CORPORATION,**) **ALLOW PARTIES TO FINALIZE**
Respondent.) **SETTLEMENT DOCUMENTS;**
17) **ORDER**
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

19 **Whereas** the parties to this matter have reached a settlement in principle, have reached
20 agreement as to the amount of monetary damages, have reached agreement on almost all other
21 terms of settlement, and are currently finalizing a Consent Decree to be lodged with the Court,
22 which will resolve all claims raised in this action; and

23 **Whereas** the parties previously stipulated, with the Court's approval, to continue all dates
24 in this matter pending mediation (Joint Stipulation to Stay All Proceedings Pending Mediation,
25 filed October 10, 2006); and

26 **Whereas** the parties were successful in reaching agreement without the need for
27 mediation; and
28

JOINT STIPULATION AND REQUEST FOR RELIEF FROM MEDIATION DEADLINE AND TO CONTINUE CASE
MANAGEMENT CONFERENCE TO ALLOW PARTIES TO FINALIZE SETTLEMENT DOCUMENTS

Whereas the Court's October 11, 2006 Order on the parties' aforementioned October 10, 2006 stipulation specifies that the deadline to complete mediation is January 19, 2007, with a further Case Management Conference on January 26, 2007;

The parties to this matter, by and through their counsel of record hereby stipulate and jointly request:

1. That the Court vacate the January 19, 2007 mediation deadline as mediation is no longer necessary because the parties have reached agreement without need for mediation; and
2. That the Court remove the January 26, 2007 Case Management Conference from its calendar, and reset said Case Management Conference eight weeks, to March 23, 2007, to allow the parties to finalize their settlement. The parties fully anticipate that their Consent Decree will be finalized and lodged with the Court by that date, and that any need for said Conference will be mooted.

E-filing concurrence: I, Cindy O’Hara, attorney for Plaintiff EEOC, attest that I have obtained the concurrence of Rod M. Fliegel, attorney for Defendant Bally Total Fitness Corporation, for the filing of this Stipulation and Request.

Dated: January 19, 2007

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

By /S/
Cindy O'Hara
Attorneys for Plaintiff EEOC

Dated: January 19, 2007

LITTLER MENDELSON

By /S/
Rod M. Fliegel
Attorneys for Bally Total Fitness
Corporation

ORDER

Having reviewed the Joint Stipulation and Request of the parties, and good cause appearing therefore,

It is hereby ordered that the January 19, 2007 mediation deadline is vacated, and the

1 January 26, 2007 Case Management Conference is continued to March 23, 2007.

2 It is so ordered.

3
4 Dated: January 22, 2007


United States District Court Judge